

2857



Packet No.: P-8035.00 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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#3323

In re Application of: Kevin Kelly et al. Group Art Unit: 2857
Application No.: 09/364,967 Examiner: Carol S.W. Tsai
Filing Date: July 31, 1999 Due Date:
For: Device and Method for Determining and Communicating the Remaining
Life of a Battery in an Implantable Neurological Tissue Stimulating Device

CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box _____, Assistant Commissioner for Patents, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on February 12, 2003.

Theresa Belland
Printed Name

[Handwritten signature]
Signature

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington D.C. 20231

Enclosed for filing in the above-identified application are the following:

- ☒ Supplemental Information Disclosure Statement
 - ☒ PTO Form 1449
 - ☒ Cited References
- ☒ Return Receipt Postcard
- ☒ The Commissioner is hereby authorized to charge or credit any deficiencies or overpayments, which may have been overlooked on this Transmittal Letter with regard to this filing, to Deposit Account No. 13-2546. A duplicate of this Transmittal Letter is enclosed.

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Respectfully submitted,

[Handwritten signature]

Date: February 12, 2003

Stephen W. Bauer
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Stimulating Device

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed within three months of the U.S. R.C.E. filing date. No certification or fee is required.

The Examiner's attention is directed to co-pending U.S. Patent Application No. 09/809,809, filed March 16, 2001, and PCT Publication No. WO 02/07468 (Application No. PCT/US02/04008, filed February 11, 2002), claiming priority therefrom. The identification of these applications is not to be construed as a waiver of secrecy as to either application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

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By submitting these references, Applicant does not admit that the references are prior art to or material to this application, and reserves the right to establish that any reference is not prior art. Applicant does not represent that the references have been reviewed in detail; there may be details in the references of which Applicant is unaware.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Stephen W. Bauer', written over a horizontal line.

Date: February 12, 2003

Stephen W. Bauer

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